

Committee Room,  
Austin, Texas, April 1, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have had Senate Bills  
Nos. 332, 432, 130, 304, 323 and  
430 carefully examined and com-  
pared and find same correctly en-  
rolled.

WESTERFELD Chairman.

#### FIFTY-FIRST DAY.

(Monday, April 5, 1937)

The Senate met at 10 o'clock a. m.,  
pursuant to adjournment, and was  
called to order by President Woodul.

The roll was called and the follow-  
ing Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

A quorum was announced present.

The invocation was offered by the  
Chaplain.

Reading of the Journal of the pro-  
ceedings of Friday, April 2, 1937,  
was dispensed with, on motion of  
Senator Aikin.

#### Memorial.

The President laid before the Sen-  
ate, and had read, a memorial of cer-  
tain citizens of Harris County relat-  
ing to repeal of the present racing  
law.

#### Reports of Standing Committees.

Reports on Senate Bills Nos. 437,  
and 212 and on House Bills Nos. 95  
and 909, were submitted by the  
chairmen of the several committees  
to which they were referred. (See  
appendix for reports in full.)

#### Senate Bill on First Reading.

Senator Weinert moved that the  
the rule limiting the time for intro-  
duction of certain bills to the first  
45 days of the session be suspended,  
to permit the introduction at this  
time of a bill, the provisions of  
which he explained.

The motion prevailed by the fol-  
lowing vote:

Yeas—31.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

The following bill was then intro-  
duced, read first time and referred  
to the Committee on Criminal Jur-  
isprudence:

By Senator Weinert:

S. B. No. 453, A bill to be entitled  
"An Act providing that if two or  
more persons with the wilful purpose  
and intent to force or require any  
owner, representative or manager of  
any premises or building in this State  
to do or to refrain from doing any  
act or thing whatsoever, shall wil-  
fully enter on said premises or in  
said building or shall wilfully remain  
therein and shall refuse or fail to  
leave said premises or building after  
being requested by the owner, repre-  
sentative or manager of said prem-  
ises so to do, or if any person with  
such purpose and intent shall advise,  
counsel or assist any such person or  
persons to so enter or remain on said  
premises or in said building, each  
such person so offending shall be  
deemed guilty of a felony and shall  
be punished by imprisonment in the  
State penitentiary for a term of years  
of not less than two nor more than  
five years; fixing venue and declaring  
an emergency."

**Senate Resolution No. 60.**

Senator Aikin offered the following resolution:

Whereas, Hon. A. W. Neville of Paris, Texas, is in the City of Austin; and

Whereas, Judge Neville is one of the outstanding citizens of Northeast Texas and has distinguished himself in his profession of journalism, particularly, in historical and research work relating to the history of our great State; now, therefore, be it

Resolved, That Judge Neville be accorded the privileges of the floor, and that he be invited to address the Senate.

The resolution was read and was adopted.

Accordingly, the President appointed Senators Aikin, Sulak and Hill to escort Hon. A. W. Neville to the President's stand.

The President presented Senator Aikin, who introduced Judge Neville to the Senate.

Judge Neville then addressed the Senate.

**Messages From the House.**

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,  
Austin, Texas, April 5, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 440, A bill to be entitled "An Act defining certain words and phrases as used herein; regulating and controlling the production, preparation, manufacture, possession, transportation, sale, disposition, and use of cocoa leaves, cocaine, opium, morphine, codeine, heroin, and any compound, manufacture, salt, derivative, mixture, and preparation thereof, or of either of them; providing for licenses to persons manufacturing, compounding, mixing, cultivating, growing, or otherwise producing narcotic drugs and for wholesalers thereof; providing for an annual license fee; providing to

whom manufacturer or wholesaler may sell narcotic drugs; official return and orders for such sales; when possession or control of narcotic drugs lawful; limitation on right of designated persons to administer narcotic drugs; providing for sales by pharmacists upon prescription; what prescription to state; preservation and non-refilling of prescription; sale of stock by legal owner discontinuing dealing in narcotic drugs; sales by pharmacists of solutions containing narcotic drugs; providing for prescription for, or administering, narcotic drugs by physicians or dentist; etc., and providing when this Act shall take effect."

H. C. R. No. 84, House Concurrent Resolution instructing the State Affairs Committee of the House and the Senate, respectively, to appoint a committee each of three (3) members to confer with the Land Commissioner, Executive Secretary of the Game, Fish and Oyster Commission, the President of the State Board of Education, the Attorney General, and the Governor of the State of Texas, to obtain the facts and information necessary to determine what the future policy of the State should be with reference to stopping or continuing its policy with reference to the leasing of lands in the southern part of Texas and particularly in the Texas Gulf Coast area.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas April 5, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 549, A bill to be entitled "An Act amending Article 2525, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts, First Called Session, Forty-third Legislature, Article 2526, R. C. S. of Texas, 1925, Article 2527, R. C. S. of Texas, 1925, Article 2528, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts, First Called Session, Forty-third Legislature, Article 2529, R. C. S. of Texas, 1925, Article 2530, R. C. S. of Texas, 1925, Article 2531, R. C. S. of Texas, 1925, Article 2532, R. C. S. of Texas,

1925, Article 2533, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts, First Called Session, Forty-third Legislature, Article 2534, R. C. S. of Texas, 1925, Article 2535, R. C. S. of Texas, 1925, Article 2537, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts, First Called Session, Forty-third Legislature; repealing all laws and parts of laws in conflict and expressly repealing Article 2539, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts, First Called Session, Forty-third Legislature, and declaring an emergency."

The House refused to concur in Senate amendments to H. B. No. 67 and has requested the appointment of a conference committee to consider the differences between the two Houses.

Messrs. Knetsch, Stevenson Tarwater, Thornton and Hankamer.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bill Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill:

S. B. No. 422, A bill to be entitled "An Act amending Section 8 of Chapter 163, Acts of the Regular Session of the Forty-second Legislature; validating specified actions heretofore taken by counties, cities and towns in issuing funding and refunding securities in attempted compliance with said chapter; validating such securities issued thereunder, and declaring an emergency."

#### Relative to Consideration of House Bill No. 53.

Senator Woodruff moved that H. B. No. 53 be set as a special order for next Wednesday, April 7, 1937, immediately after conclusion of the morning call on that day.

Senator Rawlings raised the point of order: That the motion may not be made until after conclusion of the morning call, which will not be concluded today until disposal by the Senate of the unfinished H. B. No. 258 which was pending on passage to third reading when the Senate adjourned last Friday, April 2, 1937.

The President sustained the point of order.

#### House Bill No. 258 on Passage to Third Reading.

The President laid before the Senate, as unfinished business, on its passage to third reading (the bill having been read second time on last Thursday, April 1, 1937):

H. B. No. 258, A bill to be entitled "An Act creating Firemen's Relief and Retirement Fund in the State of Texas and in all cities, towns, and villages thereof having a regularly organized fire department with fire fighting equipment or apparatus of the value of One Thousand (\$1,000.00) Dollars or more therein; etc.; and declaring an emergency."

Question—Shall the bill be passed to third reading?

Senator Woodruff moved that H. B. No. 258 be laid on the table subject to call.

Senator Rawlings moved to table the motion of Senator Woodruff.

Yeas and nays were demanded, and the motion of Senator Rawlings to table the motion of Senator Woodruff prevailed by the following vote:

#### Yeas—16.

Beck.	Shivers.
Brownlee.	Small.
Cotten.	Spears.
Holbrook.	Stone.
Moore.	Sulak.
Pace.	Van Zandt.
Rawlings.	Weinert.
Roberts.	Winfield.

#### Nays—14.

Aikin.	Lemens.
Burns.	Neal.
Collie.	Nelson.
Davis.	Newton.
Head.	Oneal.
Hill.	Redditt.
Isbell.	Woodruff.

#### Absent.

Westerfeld.

Senator Woodruff moved the previous question on the passage of H. B. No. 258 to third reading, and the motion was duly seconded.

Yeas and nays were demanded on the motion for the previous question, and the Senate refused to order the

main question at this time by the following vote:

Yeas—9.

Burns.	Neal.
Davis.	Oneal.
Hill.	Redditt.
Isbell.	Woodruff.
Lemens.	

Nays—20.

Aikin.	Pace.
Beck.	Rawlings.
Brownlee.	Shivers.
Collie.	Small.
Cotten.	Spears.
Head.	Stone.
Holbrook.	Sulak.
Moore.	Van Zandt.
Nelson.	Weinert.
Newton.	Winfield.

Absent.

Roberts. Westerfeld.

Senator Rawlings offered the following amendment to the bill:

Amend H. B. No. 258, page 7, line 51, by striking out the words and figures \$350.00 and substitute therefor the words and figures \$300.00.

(Senator Head in the Chair.)

The amendment was adopted.

Senator Holbrook offered the following amendment to the bill:

Amend H. B. No. 258 by adding to Section 2 thereof a Section to be known as Section 2a which shall read as follows:

"In addition to the tax imposed under the provisions of Section 2 of this Act the beneficiaries under the terms of this Act shall pay and contribute to the fund hereby created a sum equivalent to five per centum (5%) of the gross wages or salary earned by each such beneficiary for the discharge of the duties entitling him to become a beneficiary under the terms hereof, and to participate in the fund hereby created. And provided further that volunteer firemen electing to avail themselves of the provisions of this Act shall contribute to said fund annually an amount of money equal to the pro-rata part of the fund allocable to the payment of the benefits hereunder. It shall be the duty of each Board of

Firemen's Relief and Retirement Fund to annually determine the amount of said fund accruing by reason of the tax levied under Section 2 hereof, and to be used in payment of benefits to volunteer firemen, to prorate said amount among the volunteer firemen in such city, and to collect from each the prorated amount as above set forth. It shall be the duty of the fiscal agent of each municipality to deduct from the salary or wages of such beneficiary at the time when said wages are paid the amount of such contribution, and failure on the part of such fiscal agent to collect the same at the time of the payment of such wages or salary shall render such fiscal agent individually liable for the amount thereof; and any person otherwise entitled to participation under the terms of this Act who fails, neglects and refuses to pay said contribution shall be forever barred from participating in said fund. Said fiscal agent shall immediately upon collection of the contribution herein provided for remit the same to the Board of Firemen's Relief and Retirement Fund trustees as hereinafter created, and shall remit the same together with forms to be prepared by said board for said purpose."

Question—Shall the amendment be adopted?

**Senate Bill No. 1 With Governor's Veto.**

Senator Burns called up, for consideration at this time, the motion heretofore made and spread upon the Journal, that S. B. No. 1 be passed notwithstanding the veto of the Governor.

(President in the Chair.)

Pending consideration of the motion, Senator Hill occupied the Chair temporarily.

(President in the Chair.)

Question—Shall the bill (S. B. No. 1) be passed notwithstanding the veto of the Governor?

**Message From the House.**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 5, 1937.

Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following resolution:

H. C. R. No. 86, Authorizing the  
Enrolling Clerk of the Senate to  
amend the caption of S. B. No. 240.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bills on First Reading.

The following bills, received from  
the House today, were laid before  
the Senate, read first time, and re-  
ferred to appropriate committees, as  
indicated:

H. B. No. 440, to Committee on  
Public Health.

H. B. No. 549, to Committee on  
Banking.

#### House Concurrent Resolution No. 86.

The President laid before the Sen-  
ate the following resolution, re-  
ceived from the House today:

H. C. R. No. 86, Authorizing cor-  
rection in enrolled copy of S. B. No.  
240.

The resolution was read.

On motion of Senator Isbell and  
by unanimous consent, the regular  
order of business was suspended, to  
permit consideration of the resolu-  
tion as this time.

The resolution was adopted.

#### House Concurrent Resolution Referred.

H. C. R. No. 84, received from  
the House today, was laid before the  
Senate, read, and referred to Com-  
mittee on State Affairs.

#### Senate Resolution No. 61.

Senator Hill, by unanimous con-  
sent, offered the following resolu-  
tion:

Whereas, Practically three-fourths  
of the present session has expired  
and the Constitution provides for an  
allocation of time for the introduc-  
tion, consideration by committee and  
passage of bills; and

Whereas, The calendar of the Sen-  
ate is now badly crowded and unless  
more time each day is given to con-

sideration of these bills on the floor  
and less time to continued committee  
consideration; now, therefore, be it

Resolved, By the Senate of the  
State of Texas, That hereafter all  
committee meetings be held at night  
and that the Senate remain in ses-  
sion in the afternoon each day in-  
stead of holding committee meet-  
ings; that night sessions be had  
twice each week to pass local and  
non-contested bills until such time as  
such bills are wholly disposed of.

The resolution was read and was  
transmitted to the President's table.

#### Adjournment.

Senator Aikin moved that the Sen-  
ate recess to 2 o'clock p. m. today.

Senator Cotten moved that the  
Senate adjourn until 10 o'clock a.  
m. tomorrow.

Question first recurring on the  
motion to adjourn, yeas and nays  
were demanded.

The motion prevailed by the fol-  
lowing vote:

#### Yeas—18.

Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Holbrook.	Spears.
Moore.	Van Zandt.
Neal.	Weinert.
Face.	Winfield.

#### Nays—7.

Aikin.	Nelson.
Hill.	Oneal.
Isbell.	Sulak.
Lemens.	Woodruff.

#### Absent.

Beck.	Stone.
Brownlee.	Westerfeld.
Newton.	

The Senate, accordingly, at 12:10  
o'clock p. m., adjourned until 10:00  
o'clock a. m. tomorrow.

#### APPENDIX.

#### Bills Filed in Department of State.

Austin, Texas, April 3, 1937.

Hon. Bob Barker, Secretary of the  
Senate.

Dear Sir: I submit herewith a

list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Friday, April 2, 1937:

S. B. No. 425:  
Vote in Senate, yeas 31, nays 0.  
Vote in House, yeas 116, nays 2.  
Date signed by the Governor,  
April 2, 1937.

H. B. No. 202:  
Vote in Senate, yeas 26, nays 1.  
Vote in House, yeas 131, nays 2.  
Date signed by the Governor,  
April 2, 1937.

H. B. No. 1020:  
Vote in Senate, yeas 22, nays 3.  
Vote in House, yeas 125, nays 0.  
Date signed by the Governor,  
April 2, 1937.

Assuring you of my sincere pleasure in performing this service, I am  
Yours very truly,

EDWARD CLARK,  
Secretary of State.

By: M. E. SANDLIN,  
Assistant Secretary of State.

#### Reports of Standing Committees.

Committee Room,  
Austin, Texas, April 5, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 212, A bill to be entitled "An Act amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of the North Texas Junior Agricultural, Mechanical & Industrial College at Arlington, to the North Texas Agricultural, Mechanical & Industrial College at Arlington; and amending Article 2621 of the Revised Civil Statutes of 1925, providing a four year course of study for said college, and declaring an emergency; and amending Article 2618 of the Revised Civil Statutes of 1925, providing for a four-year course of study for John Tarleton Agricultural College, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COTTEN, Chairman.

Committee Room,  
Austin, Texas, April 1, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 909, A bill to be entitled "An Act changing the name of The State Home for Dependent and Neglected Children to be hereafter known as Waco State Home, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, April 1, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 437, A bill to be entitled "An Act making it unlawful for butane, or liquified petroleum gas, or artificial or natural gas to be handled, stored, sold or distributed in this State by any person, firm, corporation, or other concern, without first being malodorized or odorized, so that it will be perceptible and recognizable by the sense of smell, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, April 2, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 95, A bill to be entitled "An Act providing that all private corporations which have heretofore been incorporated and are now authorized by their charters and the statutes of this State to operate street and interurban railways with power to distribute and sell gas and/or electricity to the public and which have heretofore abandoned or discontinued or may hereafter abandon or discontinue the operation of street and interurban rail-

ways and motor buses substituted therefor are hereby authorized to continue to distribute and sell electricity and/or gas during the unexpired period of their corporate charters just as though they continued the operation of said street and interurban railways or motor buses, or both, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HEAD, Chairman.

Committee Room,  
Austin, Texas, April 2, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 443 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,  
Austin, Texas, April 2, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 422 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

#### FIFTY-SECOND DAY.

(Tuesday, April 6, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

The following Senator was absent and excused:

Brownlee.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

#### Leave of Absence Granted.

Senator Brownlee was granted leave of absence for today, on account of important business, on motion of Senator Winfield.

#### Reports of Standing Committees

Reports on Senate Bills Nos. 32, 435, 196, 446, 452, 453, 454, 455 and on House Bills Nos. 277, 440, 280, 597, 254, 861, 130, and 936, were submitted by the chairmen of the several committees to which they were referred.

(See appendix for reports in full.)

#### Memorial.

Senator Pace submitted a memorial of the Security League of Smith County, Texas, relative to payment of old-age pensions, which was read to the Senate, and referred by the President to the Committee on State Affairs.

#### Senate Bills on First Reading.

The following (local) bills were introduced, read first time and referred respectively to the Committee on Counties and County Boundaries, and the Committee on Educational Affairs:

By Senator Spears:

S. B. No. 454, A bill to be entitled "An Act providing for the appointment of Grand Jury Bailiffs by the Judge of the Criminal District Court in any county having a population of not less than two hundred and ninety thousand (290,000) inhabitants and not more than three hundred and twenty thousand (320,000) inhabitants, according to the United States Census of 1930 and all future Federal Census, etc. and declaring an emergency."

By Senator Roberts:

S. B. No. 455, A bill to be entitled "An Act validating the detachment